

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

STATE OF MISSISSIPPI; STATE OF
ALABAMA; STATE OF ARKANSAS;
COMMONWEALTH OF KENTUCKY;
STATE OF LOUISIANA; STATE OF
MISSOURI; and STATE OF MONTANA,
Plaintiffs,

v.

XAVIER BECERRA, in his official
capacity as Secretary of Health and
Human Services; THE UNITED
STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
CHIQUITA BROOKS-LASURE, in her
official capacity as Administrator of the
Centers for Medicare and Medicaid
Services; THE CENTERS FOR
MEDICARE AND MEDICAID
SERVICES; THE UNITED STATES
OF AMERICA,
Defendants.

No. 1:22-cv-113-HSO-RPM

**MOTION FOR LEAVE TO PARTICIPATE AS AMICI CURIAE IN SUMMARY
JUDGMENT HEARING ON BEHALF OF GREENSBORO HEALTH DISPARITIES
COLLABORATIVE AND THE NAACP STATE CONFERENCES FOR ALABAMA,
ARIZONA, ARKANSAS, KENTUCKY, LOUISIANA, MISSOURI, MISSISSIPPI, AND
MONTANA**

The Greensboro Health Disparities Collaborative (“the Collaborative”) and the NAACP State Conferences for Alabama, Arizona, Arkansas, Kentucky, Louisiana, Missouri, Mississippi, and Montana (“the NAACP State Conferences”) respectfully request leave to present argument as *amici curiae* if this Court grants Plaintiffs’ unopposed request for a hearing on the parties’ pending cross-motion motions for summary judgment.

The Collaborative and the NAACP State Conferences presented case-dispositive issues that Defendants failed to raise in their briefing, including Plaintiffs’ lack of evidence on their

theory of law-enforcement standing and the flaws in Plaintiffs' statutory interpretation arguments. Amici also provided a more comprehensive discussion of the *parens patriae* and ultra vires arguments that Defendants raised in their cross-motion for summary judgment, and could provide a fulsome discussion of that issue if allowed to present argument at the hearing.

To facilitate efficient presentation of the issues, the Collaborative and the NAACP State Conferences request 15 minutes of argument time. This motion is supported by the attached memorandum of law. Amici also attached a proposed order to be issued in the event that the Motion to Participate As *Amici Curiae* In Summary Judgment Hearing is granted.

Respectfully submitted, this 29th day of September, 2023.

/s/ Robert B. McDuff

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† Admitted only in the District of Columbia and Arkansas. Practice supervised by principals of the Firm admitted in the California.

CERTIFICATE OF SERVICE

I certify that on September 29, 2023, the foregoing document was filed on the Court's CM/ECF system which sent notification of such filing to all counsel of record.

/s/ Robert B. McDuff